

Notice of Allowability

Application No.

09/776,967

Applicant(s)

TANAKA ET AL.

Examiner

Michael R. Shannon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment files on 4/1/2005.
2. ☒ The allowed claim(s) is/are 1,2,5-14,21 and 22 (renumbered as 1-14)
3. ☒ The drawings filed on 15 November 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-2, 5-14, and 21-22 are allowed.
2. The following is an examiner's statement of reasons for allowance:

As for claims 1, 14, 21 and 22, the prior art, alone or in combination, does not teach or fairly suggest a data broadcast receiving apparatus that stores data modules in a data module storing means and stores storage information showing a storage state of the data module in storage information storing means. The storage information storing means shows a correspondence between the data module and the storage state of the data module if the data module was successfully stored. However, if the storage of the data module failed, the storage information storing means generates storage information showing a correspondence between the data module, a storage state of the data module and a problem because of which the data module is not stored and stores this information accordingly in the storage information storing means. In other words, the claimed system generally relates to storing data modules and information regarding the data modules (if the data modules were not downloadable). If the user then requests the data module and the data module is present, the data module is presented. However, the storage information previously stored in the storage information storing means is presented if the data module is not present. In more general terms, if a cache-miss occurs, the system does not automatically retrieve the missing data module (as in most prior art systems), instead, the system will notify the user that the data module is not present in storage and why the data module is not

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present (according to the storage information that was previously stored in the storage information storing means). As for the most pertinent prior art of record, the Dillon reference discloses a WebCast system, which downloads multicast information from web sites to a plurality of receivers. He also teaches the ability to recognize a cache-miss and notify the user that a cache-miss occurred and prompt the user for a response to the cache-miss (e.g., "Would you like to establish a dial-up connection to retrieve the content?") [Col. 4, line 65 – col. 5, line 6]. However, Dillon fails in that he does not present a problem to the user as to why the data was not stored. The Dillon reference does tell the user that the data is not present in storage, however, does not tell the user WHY the data is not present in storage.

Furthermore, a basic Microsoft Internet Explorer technique in browsing web sites notifies a user that an element is not present in the web cache by changing the pointer. However, this concept fails to meet the claimed invention in a similar manner to the reason for which the Dillon reference failed to meet the claimed invention. The Internet Explorer Technique does not tell the user WHY the data is not present in storage; it simply tells the user that it is not present.

Many prior art systems (for example, Zigmond and Throckmorton) download data modules (such as associated information) to the user device through a multicast or broadcast delivery mechanism. However, the common prior art systems do not notify a user when the user requests data that is not pre-stored. Instead, most systems simply use a two-way communications channel to download the missing information upon request in real-time. Most of this processing is done without user knowledge in order to

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allow the user to browse data modules without changing viewing habits and interrupting the viewing process. Since the cache-miss and downloading of missing information is done without user interaction or user knowledge, the most common prior art systems do not read on the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael R. Shannon who can be reached at (571) 272-7356 or Michael.Shannon@uspto.gov. The examiner can normally be reached by phone Monday through Friday 8:00 AM – 5:00PM, with alternate Friday's off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (571) 272-7353.

Any response to this action should be mailed to:

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Effective January 14, 2005, except correspondence for Maintenance Fee payments, Deposit Account Replenishments (see 1.25(c)(4)), and Licensing and

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Review (see 37 CFR 5.1(c) and 5.2(c)), please address correspondence to be delivered by other delivery services (Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

United States Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Or faxed to: (571) 273-8300


Hand-delivered responses should be brought to:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is **(571) 272-2600**.

Michael R Shannon
Examiner
Art Unit 2614

Michael R Shannon
July 9, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600